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5 Attorney for Defendants  
6 SMART & FINAL STORES LLC  
7 SMART & FINAL PROPERTIES I LLC

8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 BARBARA HUBBARD,

11 Plaintiff,

12 v.

13 SMART & FINAL STORES LLC  
14 dba SMART & FINAL #463;  
15 SMART & FINAL PROPERTIES I LLC,

16 Defendants.

**CASE NO. 08CV0564 W (LSP)**

**JOINT MOTION FOR EXTENSION  
OF TIME TO ANSWER COMPLAINT**

17  
18 Plaintiff Barbara Hubbard and defendants Smart & Final Stores LLC and Smart &  
19 Final Properties I LLC hereby jointly move the court for an order granting defendants an  
20 extension of time until May 16, 2008, to answer plaintiff's complaint. This motion is based  
21 on the following grounds:

22 This is an action under the Americans with Disabilities Act and similar statutes  
23 concerning alleged access barriers at defendants' retail store in Chula Vista. Defendant  
24 Smart & Final Stores LLC was served on April 11, 2008, and defendant Smart & Final  
25 Properties I LLC was served on April 7, 2008.

26 Defendants are presently investigating plaintiff's allegations and considering a  
27 settlement offer made by plaintiff on April 23, 2008. An extension of time until May 16 will  
28

1 allow defendants' to complete their investigation and engage in settlement negotiations.

2 This is the first extension of time requested by the parties.

3 Respectfully submitted,

4 Dated: April 28, 2008

5 /s/ David G. Freedman  
6 David G. Freedman  
7 Attorney for Defendants  
8 SMART & FINAL STORES LLC  
9 SMART & FINAL PROPERTIES I LLC

10 Dated: April 28, 2008

11 /s/ Lynn Hubbard, III  
12 Lynn Hubbard III  
13 Attorney for Plaintiff  
14 Barbara Hubbard

## PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 1800 Century Park East, 8<sup>th</sup> Floor, Los Angeles, California 90067.

On April 28, 2008, I served the foregoing document described as **JOINT MOTION FOR EXTENSION OF TIME TO ANSWER COMPLAINT** on the interested parties in this action.

by placing the original and/or a true copy thereof enclosed in (a) sealed envelope(s), addressed as follows:

**Lynn Hubbard III  
Disabled Advocacy Group, APLC  
12 Williamsburg Lane  
Chico, CA 95926**

**BY REGULAR MAIL:** I deposited such envelope in the mail at 1800 Century Park East, 8<sup>th</sup> Floor, Los Angeles, California 90067. The envelope was mailed with postage thereon fully prepaid.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

- BY FACSIMILE MACHINE:** I transmitted a copy of the original document to the listed facsimile numbers.
- BY OVERNIGHT MAIL:** I deposited such documents at the Federal Express Drop Box located at 1800 Century Park East, 8<sup>th</sup> Floor, Los Angeles, California 90067. The envelope was deposited with delivery fees thereon fully prepaid.
- BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the listed addressee(s).
- (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on April 28, 2008 April 28, 2008, at Los Angeles, California

/s/ David G. Freedman